

2013 DRAFTING REQUEST

Bill

Received: 9/20/2012	Received By: tkuczens
Wanted: As time permits	Same as LRB:
For: Erik Severson (608) 267-2365	By/Representing: AJ Scholz
May Contact:	Drafter: tkuczens
Subject: Courts - evidence	Addl. Drafters:
	Extra Copies:

Submit via email: **YES**
 Requester's email: **Rep.Severson@legis.wi.gov**
 Carbon copy (CC) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Inadmissibility of statement of apology, liability or condolence by health care provider

Instructions:

Re-draft of 2011 AB 147

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tkuczens 9/20/2012			_____			
/1		jdyer 9/21/2012	rschluet 9/21/2012	_____	mbarman 9/21/2012	srose 1/24/2013	

FE Sent For:

↪ Not
Needed

<END>

2013 DRAFTING REQUEST

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Received: **9/20/2012** Received By: **tkuczens**
Wanted: **As time permits** Companion to LRB:
For: **Erik Severson (608) 267-2365** By/Representing: **AJ Scholz**
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/? tkuczens

Handwritten: 1 9/21/12 [Signature] 9/21/12

FE Sent For:

<END>

Kuczenski, Tracy

From: Scholz, AJ
Sent: Wednesday, September 19, 2012 8:58 AM
To: Kuczenski, Tracy
Subject: LRB 11-0769/2

Hello Tracy,

I wanted to ask if you could put together a 2013-14 version of LRB 0769/2 which would also incorporate the language from our amendment a1464/1 ?

Thanks for your help!

AJ Scholz

Office of Representative Erik Severson
608-267-2365
312 North, State Capitol



State of Wisconsin
2011 - 2012 LEGISLATURE

CORRECTED
COPY



LRB-0769/2
TKK:kjfrs

LRB-0769/1
jld
insert

2013-2014

2011 ASSEMBLY BILL 147

2013

9/20/12

May 23, 2011 - Introduced by Representatives SEVERSON, NYGREN, STRACHOTA, KAUFERT, BEWLEY, BIES, BROOKS, JACQUE, RIPP, SPANBAUER, TAUCHEN and THIESFELDT, cosponsored by Senators GALLOWAY, COWLES, DARLING, HOLPERIN, SCHULTZ and WANGGAARD. Referred to Committee on Health.

Regen

AN ACT *to create* 904.14 of the statutes; **relating to:** inadmissibility of a statement of apology or condolence by a health care provider.

Analysis by the Legislative Reference Bureau

Under current law, certain types of evidence are not allowed to be admitted in a court action for various policy reasons. For example, evidence of remedial measures taken after an event occurred that would have made the event less likely is not admissible to prove negligence or culpable conduct in connection with the event. As another example, no written or oral communication relating to a dispute in mediation is admissible or subject to discovery in any judicial proceeding or administrative action.

This bill provides that a statement or conduct of a health care provider that expresses apology, benevolence, compassion, condolence, fault, liability, remorse, responsibility, or sympathy to a patient or patient's relative or representative is not admissible into evidence or subject to discovery in any civil action or administrative hearing regarding the health care provider as evidence of liability or as an admission against interest.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 904.14 of the statutes is created to read:

ASSEMBLY BILL 147

904.14 Inadmissibility of statement by health care provider of apology or condolence. (1) In this section:

(a) "Health care provider" has the meaning given in s. 146.81 (1) and includes an ambulatory surgery center. Insert 2-4 ✓

(b) "Relative" has the meaning given in s. 106.50 (1m) (q).

(2) A statement, gesture, or the conduct of a health care provider or a health care provider's employee or agent, that expresses apology, benevolence, compassion, condolence, fault, liability, remorse, responsibility, or sympathy to a patient or to his or her relative or representative is not admissible into evidence or subject to discovery in any civil action or administrative hearing regarding the health care provider as evidence of liability or as an admission against interest.

SECTION 2. Initial applicability.

(1) This act first applies to statements, gestures, or conduct that occur on the effective date of this subsection. ✓

(END)



State of Wisconsin
2011 - 2012 LEGISLATURE



LRBa1464/1
TKK:jld:rs

Insert 2-4

ASSEMBLY AMENDMENT 1,
TO 2011 ASSEMBLY BILL 147

October 20, 2011 - Offered by Representative SEVERSON.

1 At the locations indicated, amend the bill as follows:

- 2 1. Page 2, line 4: after "center" insert "an adult family home as defined in s.
- 3 50.01 (1), and a residential care apartment complex, as defined in s. 50.01 (d), that
- 4 is certified or registered by the department of health services.

5

(END)

(end ins)

Rose, Stefanie

From: Scholz, AJ
Sent: Thursday, January 24, 2013 3:40 PM
To: LRB.Legal
Subject: Draft Review: LRB -0119/1 Topic: Inadmissibility of statement of apology, liability or condolence by health care provider

Please Jacket LRB -0119/1 for the ASSEMBLY.